

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
ILLINOIS, EASTERN DIVISION

JEROLD S. SOLOVY)	
)	
Plaintiff,)	
)	
)	
vs.)	No. 07 CV 6721
)	JUDGE VIRGINIA M. KENDALL
)	MAG. JUDGE MARTIN C. ASHMAN
FEDEX GROUND PACKAGE)	
SYSTEM INC., a Delaware Corporation)	
FEDERAL EXPRESS CORPORATION,)	
a Delaware Corporation)	
FEDEX CUSTOM CRITICAL, INC.,)	
A Delaware Corporation)	
FEDEX KINKO'S OFFICE AND)	
PRINT SERVICES, INC.,)	
a Delaware Corporation)	
FEDEX CORP.,)	
a Delaware Corporation,)	
FEDEX CORPORATE SERVICES,)	
INC., a Delaware Corporation)	
)	
Defendant.)	
)	

PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO FEDERAL
RULE OF CIVIL PROCEDURE 41(a) OF CERTAIN DEFENDANTS AND MOTION
FOR LEAVE TO FILE A SECOND AMENDED COMPLAINT AT LAW

Plaintiff, JEROLD S. SOLOVY, through his attorneys, CLIFFORD LAW OFFICES, P.C., hereby gives notice to this Honorable Court of the Voluntary Dismissal without prejudice of Defendants FEDEX CUSTOM CRITICAL, INC., a Delaware Corporation; FEDEX KINKO'S OFFICE AND PRINT SERVICES, INC., a Delaware Corporation; FEDEX CORP., a Delaware Corporation; and FEDEX CORPORATE SERVICES, INC., pursuant to Federal Rule of Civil

Procedure 41(a); and further moves this Honorable Court for an Order granting Plaintiff leave to file his Second Amended Complaint at Law, and state as follows:

- 1) This case involves the alleged conversion of Plaintiff's personal property by the agent of the various Federal Express entities, and allegations that one or more of these entities were negligent in the hiring, supervision and retention of said agent.
- 2) Upon filing of this lawsuit, several different companies did business under the "Federal Express" business umbrella. Plaintiff sued several Federal Express entities in good faith based on the information available to him at the time of filing.
- 3) Counsel for Defendants has represented to Plaintiff that, to the best of his knowledge, certain of the entities named by Plaintiff in his Complaint, FEDEX CUSTOM CRITICAL, INC.; FEDEX KINKO'S OFFICE AND PRINT SERVICES, INC.; FEDEX CORP.; and FEDEX CORPORATE SERVICES, INC., were in no way involved in the transaction at issue in this case.
- 4) Counsel for the Defendants answered Plaintiff's original Complaint only on behalf of Defendants FEDEX GROUND PACKAGE SYSTEM, INC. and FEDERAL EXPRESS CORPORATION, who shall remain Defendants in this case, and not on behalf of FEDEX CUSTOM CRITICAL, INC.; FEDEX KINKO'S OFFICE AND PRINT SERVICES, INC.; FEDEX CORP.; and FEDEX CORPORATE SERVICES, INC.
- 5) Counsel for FEDEX CUSTOM CRITICAL, INC.; FEDEX KINKO'S OFFICE AND PRINT SERVICES, INC.; FEDEX CORP.; and FEDEX CORPORATE SERVICES, INC., has further represented to Plaintiff that these entities agree to waive statute of limitations defenses as for the period up to and including March 4, 2009. As such, Plaintiff has agreed to voluntarily dismiss Defendants FEDEX CUSTOM CRITICAL, INC.; FEDEX

KINKO'S OFFICE AND PRINT SERVICES, INC.; FEDEX CORP.; and FEDEX CORPORATE SERVICES, INC., without prejudice and without costs pursuant to Federal Rule of Civil Procedure 41(a).

6) Plaintiff seeks leave to file his Second Amended Complaint to reflect the dismissal of FEDEX CUSTOM CRITICAL, INC.; FEDEX KINKO'S OFFICE AND PRINT SERVICES, INC.; FEDEX CORP.; and FEDEX CORPORATE SERVICES, INC., and to otherwise conform the allegations of the Plaintiff's Complaint to the proof.

7) Defense Counsel has no objection to this motion and is in no way prejudiced by this motion.

WHEREFORE, Plaintiff JEROLD S. SOLOVY, prays this Honorable Court for the dismissal without prejudice of Defendants FEDEX CUSTOM CRITICAL, INC.; FEDEX KINKO'S OFFICE AND PRINT SERVICES, INC.; FEDEX CORP.; and FEDEX CORPORATE SERVICES, INC., pursuant to Federal Rule of Civil Procedure 41(a) without costs and for an Order granting Plaintiff leave to file his Second Amended Complaint on or before March 24, 2008.

Respectfully submitted,

s/
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CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2008, I electronically filed PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(a) OF CERTAIN DEFENDANTS AND MOTION FOR LEAVE TO FILE A SECOND AMENDED COMPLAINT AT LAW with the Clerk of Court using the CM/ECF system which will send notification of such filing(s) to the following: Patrick J. Keating, O'Hagan Spencer LLC, 55 W Wacker Drive, Suite 1400, Chicago, Illinois 60601; Edward C. Eberspacher, O'Hagan Spencer LLC, 55 W Wacker Drive, Suite 1400, Chicago, Illinois 60601, and hereby certify that on December 19, 2007, I mailed by United States Postal Service, the document(s) to the following non-registered participants: Thomas W. Murrey, Jr., Federal Express Corporation, 3620 Hacks Cross Road, Building B, Third Floor, Memphis, Tennessee 38125.

Respectfully submitted,

By: /s/ Brian S. Shallcross
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